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2d Session }

SENATE

{ REPORT
{ No. 1395

CONFIRMING THE CLAIM OF AUGUSTIN DOMINIQUE TUREAUD FOR THE CHURCH OF ST. JACQUES, PARISH OF ST. JAMES, LA.

MAY 25, 1942.—Ordered to be printed

Mr. HATCH, from the Committee on Public Lands and Surveys,
submitted the following

REPORT .

[To accompany H. R. 6102]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 6102) confirming the claim of Augustin Dominique Tureaud for the Church of St. Jacques, Parish of St. James, La., having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass.

Further facts concerning this proposed measure are set forth in the letter of the Secretary of the Interior to the Chairman of the Committee on the Public Lands of the House of Representatives, which letter is hereinbelow set forth in full and made a part of this report.

THE SECRETARY OF THE INTERIOR,
Washington, March 19, 1942.

Hon. J. W. ROBINSON,
Chairman, Committee on the Public Lands,
House of Representatives.

MY DEAR MR. ROBINSON: I have received your letter of January 24 requesting a report on H. R. 6102, Seventy-seventh Congress, first session, entitled "A bill confirming the claim of Augustus Dominique Turand for the Church of St. Jacques to certain lands in the State of Louisiana, parish of St. James, said claim being listed as No. 392 in report of commissioners dated January 9, 1812."

If the proposed bill is amended to conform to the suggestions hereinafter set forth, I shall interpose no objection to the enactment thereof.

Under section 4 of the act of March 3, 1807 (2 Stat. 440), the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in Louisiana were given full powers to decide upon all claims to lands within their jurisdictions, and such decisions, when in favor of the claimant, were to be final against the United States. Section 8 of this act directed the commissioners to report to the Secretary of the Treasury their opinions on all claims not confirmed and the Secretary was to submit such claims to the Congress for its final determination thereon.

In the report of the commissioners for the eastern district of the Territory of Orleans communicated on January 9, 1812, to the House of Representatives by the Secretary of the Treasury is found claim No. 392 of Augustin Dominique Tureaud for the Church of the Parish of St. Jacques to a tract of land on the Mississippi River (American State Papers, Gales & Seaton edition, vol. 2, p. 297). This report stated:

"There is no written evidence of title to the land claimed; the church is built upon it, and it has been used as a glebe for a great number of years, and is claimed by the people of the parish, as belonging to them, for the use of the church. The board are of the opinion it ought to be confirmed."

While the above claim has never been confirmed, it has been segregated on the official plat of survey dated June 30, 1854, in the same manner as a confirmed private-land claim, and the land covered thereby has not been considered as public land by the United States subject to appropriation under public-land law.

In the caption of the bill and also in lines 5 and 6 on page 1 thereof, there is a difference in the spelling of the name as compared with the report of the commissioners above referred to. The correct spelling appears to be Augustin Dominique Tureaud and the bill should be corrected accordingly.

In the caption and in line 5 on page 1 of the bill, the date of the report by the commissioners is given as January 9, 1812, whereas this was the date on which it was communicated to the House of Representatives. It is suggested that the part of the caption after "392" be stricken therefrom. It is further suggested that the word "of" in line 5 on page 1 be eliminated and there be substituted therefor, the words "communicated to the House of Representatives on".

In line 6 on page 1 of the bill, the claim is shown as approved by the board of commissioners whereas the commissioners were of the opinion that the claim ought to be confirmed. It is suggested that the word "approved" in line 6 on page 1 of the bill be eliminated, and that there be substituted therefor the words "recommended for confirmation".

The second section of the bill, among other matters, provides that nothing contained in the act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person in or to any portion of the land involved.

It is assumed that the purpose of this section of the bill is to protect any claim which would be valid except for the lack of confirmation of the private land claim referred to. In the absence of confirmation, there could not be any outstanding valid right, title, or interest in or to the land under the laws of the State of Louisiana. In view thereof, it is suggested that the bill be amended by striking out the word "valid" in line 11, page 2, and inserting the following after the word "who" in line 18, page 2, "had the claim heretofore been confirmed".

The Bureau of the Budget has informed me that there is no objection to the presentation of this report to your committee.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

